

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                               )  
Plaintiff,                 )                           8:10CR43  
                               )  
v.                         )  
                               )  
RYAN M. JINDRA,             )                           ORDER  
                               )  
Defendant.                 )  
\_\_\_\_\_)

This matter is before the Court on:

- 1) Motion to dismiss indictment  
(Filing No. 43);
- 2) Findings and recommendation that motion to dismiss indictment be denied (Filing No. 52);
- 3) Objection to findings and recommendation (Filing No. 55);
- 4) Motion to dismiss superseding indictment (Filing No. 69);
- 5) Findings and recommendation that motion to dismiss superseding indictment be denied (Filing No. 71);
- 6) Stipulation (Filing No. 72);
- 7) Objection to findings and recommendation (Filing No. 73).

Inasmuch as a superseding indictment was filed (Filing No. 57), the first motion to dismiss (Filing No. 43) will be denied as moot; the findings and recommendation of the magistrate judge, and the objection to findings and recommendation will be deemed withdrawn.

The Court has reviewed the second motion to dismiss the superseding indictment (Filing No. 69) and supporting brief (Filing No. 70), the findings and recommendation of the magistrate judge (Filing No. 71), the stipulation that the parties would not present additional evidence (Filing No. 72), and the objection to the findings and recommendation (Filing No. 73), together with the supporting brief (Filing No. 74). The Court finds the findings and recommendation of the magistrate judge should be approved and adopted, and the motion to dismiss the superseding indictment should be denied. Accordingly,

IT IS ORDERED:

- 1) Motion to dismiss indictment (Filing No. 43) is denied as moot;
- 2) Findings and recommendation that motion to dismiss indictment (Filing No. 52) is deemed withdrawn;
- 3) Objection to findings and recommendation (Filing No. 55) are deemed withdrawn;
- 4) Findings and recommendation that motion to dismiss superseding indictment (Filing No. 71) is approved and adopted;
- 5) Stipulation (Filing No. 72) is approved and adopted;
- 6) Objection to findings and recommendation (Filing No. 73) are overruled.
- 7) Motion to dismiss superseding indictment (Filing No. 69) is denied;

8) Trial of this matter is scheduled for:

**Tuesday, July 12, 2011, at 9 a.m.**

Courtroom No. 5, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska. This will give the parties time to pursue plea negotiations or finalize trial preparations and will accommodate the schedule of the Court. The ends of justice will be served by continuing this case and outweigh the interests of the public and the defendant in a speedy trial. The additional time between March 28, 2011, and July 12, 2011, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 28th day of March, 2011.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court